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TO: UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 3636

NAME: Joseph E. Edell

FAX NO.: 703-872-9306

SERIAL NO.: 10/723,588

OUR FILE NO.: GP-303033 / GM0402PUS

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Jean M. McCarthy
Typed or Printed Name of Person Sending Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Adrian B. Chernoff, et al.

Serial No.: 10/723,588

Filed: November 26, 2003

For: VEHICLE SEAT

Attorney Docket No.: GP-303033 (GM0402PUS)

Group Art Unit: 3636

Examiner: Joseph F. Edell

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RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are intended to be fully responsive to the Restriction Requirement mailed November 10, 2004.

The undersigned attorney is acting in a representative capacity in this Application under 37 C.F.R. §1.34(a). If further proof of authority to act in a representative capacity is required in this Application, please notify the undersigned via the correspondence address associated with this Application.

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12/2/2004
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S/N 10/723,588

Atty Dkt No. GP-303033 (GM-0402PUS)

Remarks

The Examiner finds that the Application claims two distinct inventions grouped as:

- I. Claims 1-16 and 21, drawn to a vehicle seat, classified in class 297, subclass 452.19.
- II. Claims 17-20, drawn to a method of manufacturing a vehicle seat, classified in class 264.

Applicants provisionally elect to prosecute Invention I (claims 1-16 and 21) with traverse.

The Examiner reasons that:

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as method of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the method *as claimed* can be used to make other and materially different product or (2) that the product *as claimed* can be made by another and materially different process/method (MPEP § 806.05(f)). In the instant case, the product *as claimed* can be made by a materially different process *such as extrusion* of matable distinct panel portions. (emphasis added)

Product claim 1, from which claims 2-16 depend, requires that:

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... the lower seat portion and the back portion are formed from at least one panel by a method selected from the group consisting of quick plastic forming, superplastic forming and sheet hydroforming;...

Similarly, product claim 21 requires that:

... the lower seat portion and the back portion are formed by quick plastic forming;...

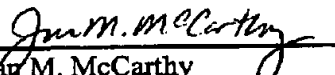
Process claim 17, from which claims 18-20 depend, recites:

forming a unitary, one-piece panel by a method selected from the group consisting of quick plastic forming, superplastic forming and sheet hydroforming, ...

Thus, the product of claims 1-16 must be made by quick plastic forming, superplastic forming or sheet hydroforming – the same processes to which the forming step of claims 17-20 is limited. (The product of claim 21 is limited to quick plastic forming, one of the processes recited in claim 17.) Accordingly, it is not correct that the product *as claimed* can be made by a material different process such as extrusion. For this reason, the inventions of Group I and Group II are not distinct from one another, and the restriction requirement is improper.

Respectfully submitted,

ADRAIN B. CHERNOFF, et al.

By 
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Date: 12/2/2004

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